Supreme Court, U.S.
FILED
JAN 3 2000
CLERK

No. 99-607

IN THE

Supreme Court of the United States

RABBI ROBERT A. GOODMAN

Petitioner

v.

TEMPLE SHIR AMI, INC.,
a Florida non-profit
corporation, and
RICHARD ASHENOFF,

Respondents

On Petition For Writ Of Certiorari
to the Supreme Court of the State of Florida

PETITIONER'S REPLY TO RESPONDENTS' BRIEF IN OPPOSITION

RAYMOND L. ROBIN, ESQ.
Counsel for Petitioner
RAYMOND L. ROBIN, P.A.
1121 SOUTH 21ST AVENUE
HOLLYWOOD, FLORIDA 33020
(954) 920-3003

QUESTIONS FOR REVIEW
(restated)

Whether the Establishment or the Free Exercise Clauses of the First Amendment to the United States Constitution preclude Florida Courts from considering the case of a Rabbi against a synagogue and a lay board member for claims for breach of contract, termination in violation of the synagogue's by-laws and defamation where the synagogue is congregational and has no tribunal for resolving its own disputes and the Rabbi has no other means of redress.

TABLE OF CONTENTS

	Page
QUESTIONS FOR REVIEW	i
TABLE OF CONTENTS	ii
STATEMENT OF THE CASE AND FACTS	1
CONCLUSION	3

STATEMENT OF THE CASE AND FACTS

The issue is whether Florida courts are required to abstain from providing a forum for redress for civil wrongs committed by a religious organization and its lay board member against its clergy even where there is no other forum available.

The Respondents attempt to minimize the importance of this case by implying that this is simply a case where a Rabbi's contract was not renewed. The Respondents make no mention of the fact that Temple Shir Ami's Board of Directors agreed to a new three-year contract and that the Agreement was duly recorded in its minutes. Nor do they acknowledge that this case is primarily about the Respondents' subsequent repudiation of that Agreement. In addition, although they have claimed for five years that there was no contract, the Respondents for the first time now claim that this is a case about an oral agreement.

This Court should accept the facts set forth in the Petitioner's Petition for Writ of Certiorari for at least two reasons. First, those facts were properly alleged in the Complaint and this appeal arises from the trial court's granting the Respondents' Renewed Motion to Dismiss for Lack of Subject Matter Jurisdiction. Second, although limited jurisdictional discovery was permitted by the lower courts, based upon the Respondents' First Amendment objections, the lower courts did not permit Rabbi Goodman to undertake any discovery on the merits of the case. The Respondents should not now be permitted to have this Court ignore the facts as alleged and accept the Respondents' version of the facts instead.

REASONS FOR ACCEPTING THE WRIT

Rabbi Goodman did not fail to exhaust his remedies.

The Respondents make the argument that the Writ should be denied because of Rabbi Goodman's "failure to exhaust available remedies" by not bringing the issue of Temple Shir Ami's repudiation of the Contract before the entire congregation of Temple Shir Ami. Respondents' Brief in Opposition at 8. Even accepting, for the sake of argument, that before an employee may sue on an employment contract he or she must first pursue all remedies available under the organizations' By-Laws, this argument is fallacious because the By-Laws here provide no remedy which Rabbi Goodman failed to exhaust. There is absolutely no procedure under the By-Laws whereby the Rabbi of Temple Shir Ami is granted the right to request that the congregation revisit a decision made by the Board.

The issues raised here reach beyond this case.

This is not the place to decide whether Rabbi Goodman has or has not been wronged. Here, it must be accepted that everything he has alleged is true.

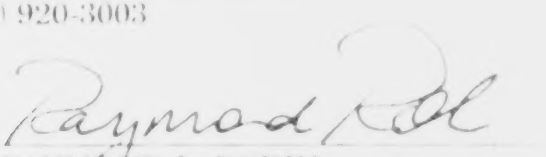
The lower courts have held that the Florida courts are closed to Rabbi Goodman regardless of whether the Respondents committed egregious wrongs against him or whether there is no forum for him to obtain redress. Were Rabbi Goodman the only victim of this unfair result, review would be justified here. But, as the numerous cases cited in earlier briefs demonstrate, there are many cases filed by clergy, who have been egregiously wronged, which are summarily dismissed without any regard for the merits. For that reason, review by this Court would not only be appropriate, but is necessary.

CONCLUSION

In light of the foregoing, Petitioner Rabbi Robert A. Goodman respectfully requests that the Court grant him a Writ of Certiorari and consider his appeal.

Respectfully submitted,

RAYMOND L. ROBIN, P.A.
1121 South 21st Avenue
Hollywood, Florida 33020
(954) 920-3003

By: 
RAYMOND L. ROBIN
Fla. Bar No. 613835